



# DIGEST SUPPLEMENT

To Legislative Digest and History of Bills  
**Supplement No. 1\***

---

---

FIFTY-NINTH LEGISLATURE

Monday, January 10, 2005

1st Day - 2005 Regular

---

## SENATE

SB 5000	SB 5017	SB 5034
SB 5001	SB 5018	SB 5035
SB 5002	SB 5019	SB 5036
SB 5003	SB 5020	SB 5037
SB 5004	SB 5021	SB 5038
SB 5005	SB 5022	SJR 8200
SB 5006	SB 5023	SJR 8201
SB 5007	SB 5024	
SB 5008	SB 5025	
SB 5009	SB 5026	
SB 5010	SB 5027	
SB 5011	SB 5028	
SB 5012	SB 5029	
SB 5013	SB 5030	
SB 5014	SB 5031	
SB 5015	SB 5032	
SB 5016	SB 5033	

## HOUSE

HB 1000	HB 1017	HCR 4401
HB 1001	HB 1018	HCR 4402
HB 1002	HB 1019	HCR 4403
HB 1003	HB 1020	
HB 1004	HB 1021	
HB 1005	HB 1022	
HB 1006	HB 1023	
HB 1007	HB 1024	
HB 1008	HB 1025	
HB 1009	HB 1026	
HB 1010	HB 1027	
HB 1011	HB 1028	
HB 1012	HB 1029	
HB 1013	HB 1030	
HB 1014	HB 1031	
HB 1015	HJR 4200	
HB 1016	HCR 4400	

---

## LIST OF BILLS IN DIGEST SUPPLEMENTS

---

### SENATE

### HOUSE

---

**House Bills**


---

**HB 1000** by Representatives Clibborn, Pettigrew, Shabro, Nixon, B. Sullivan, Moeller, Jarrett and Hunter

Allowing fax and electronic mail notice of special meetings. Amends RCW 42.30.080 to authorize fax and electronic mail notice of special meetings.

-- 2005 REGULAR SESSION --

Dec 21 Prefiled for introduction.

**HB 1001** by Representative Hinkle

Requiring election of judges and the superintendent of public instruction at the general election.

Requires election of judges and the superintendent of public instruction at the general election.

Provides that this act takes effect January 1, 2006, if the proposed amendment to Article IV, section 29 of the state Constitution (HJR ....) is validly submitted to and is approved and ratified by the voters at a general election held in November 2005. If the proposed amendment is not approved and ratified, this act is void in its entirety.

-- 2005 REGULAR SESSION --

Dec 21 Prefiled for introduction.

**HB 1002** by Representatives Fromhold, Moeller, Murray, Hunter and Jarrett

Restricting the use of compression brakes.

Establishes provisions restricting the use of compression brakes.

Provides monetary penalties for violations of the act.

-- 2005 REGULAR SESSION --

Dec 21 Prefiled for introduction.

**HB 1003** by Representatives Hinkle, B. Sullivan and Curtis

Allowing off-road vehicles on nonhighway roads.

Finds that the limited amount of ORV recreation areas presents a challenge for ORV recreational users, natural resource land managers, and private landowners.

Finds that local, state, and federal jurisdictions should be given the flexibility to allow ORV use on nonhighway roads they own and manage or for which they are authorized to allow public ORV use under an easement granted by the owner.

Declares that it is lawful to operate an off-road vehicle upon a nonhighway road and in parking areas serving designated off-road vehicle areas when the responsible governing body, including state, federal, or local authorities, authorizes the use of off-road vehicles.

Provides that an off-road vehicle operated on a nonhighway road under this section is exempt from licensing requirements of RCW 46.16.010 and vehicle lighting and equipment requirements of chapter 46.37 RCW.

-- 2005 REGULAR SESSION --

Dec 21 Prefiled for introduction.

**HB 1004** by Representatives Hinkle, Kretz and Sump

Modifying provisions concerning water conservancy boards. Revises provisions concerning water conservancy boards.

Repeals RCW 90.80.901.

-- 2005 REGULAR SESSION --

Dec 21 Prefiled for introduction.

**HB 1005** by Representatives O'Brien, Hinkle, Moeller and Campbell

Creating a consumer or advocate-run mental health service delivery system.

Finds that the involvement of persons with mental illness, their family members, and advocates in designing, implementing, and delivering mental health services reduces unnecessary hospitalizations and incarceration and promotes the recovery and employment of persons with mental illness.

Declares that regional support networks shall assume all duties assigned to county authorities by chapter 71.24 RCW and chapter 71.05 RCW. The regional support networks, or its designee, shall provide consumer or advocate-run services.

Provides that the department shall not require a consumer or advocate-run service to maintain licensure under chapter 71.24 RCW if the service is nonclinical. If a service is clinical, the service shall comply with the requirements for licensed services in this chapter.

Declares that consumer or advocate-run services may include, but are not limited to: (1) Consumer and/or advocate-operated businesses;

(2) Clubhouses, including but not limited to the Fountain House model as certified by the International Center for Clubhouse Development;

(3) Crisis services;

(4) Advocacy and referral services;

(5) Vocational and employment services;

(6) Self-help and peer counseling and support groups;

(7) Community presence in state hospitals; and

(8) Mental health advance directive training.

Appropriates the sum of five million dollars, or as much thereof as may be necessary, for the biennium ending June 30, 2007, from the general fund to the department of social and health services for the purposes of this act.

-- 2005 REGULAR SESSION --

Dec 21 Prefiled for introduction.

**HB 1006** by Representatives Fromhold, Moeller, Cox, Ormsby and Jarrett

Authorizing Clark College license plates.

Directs the department, the Washington state patrol, and Clark College to work cooperatively to create and design a special Clark College license plate. The special Clark College license plate may be used in lieu of regular or personalized license plates for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Creates the Clark College license plate account in the state treasury. All receipts from the Clark College license

plate fees, less the administration and collection costs incurred by the department as provided for under RCW 46.16.313 (12) and (13), must be deposited into the account. Expenditures from the account should be used primarily for student scholarships but may also be used for advertising and promotional activities designed to increase the sale of the Clark College license plate.

Requires all expenditures from this account to be approved by the Clark College foundation scholarship committee. Moneys in the account may only be spent after appropriation.

-- 2005 REGULAR SESSION --

Dec 21 Prefiled for introduction.

**HB 1007** by Representatives Hunt, Alexander and Sommers; by request of Department of General Administration

Establishing a commemorative works account for the department of general administration.

Creates the commemorative works account in the custody of the state treasurer and shall be used by the department of general administration for the ongoing care, maintenance, and repair of commemorative works on the state capitol grounds. Only the director or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not necessary for expenditures.

-- 2005 REGULAR SESSION --

Dec 21 Prefiled for introduction.

**HB 1008** by Representatives Sommers, Alexander and Hunt; by request of Department of General Administration

Managing the motor pool within the department of general administration.

Revises provisions relating to the motor pool within the department of general administration.

Repeals RCW 43.19.605.

-- 2005 REGULAR SESSION --

Dec 21 Prefiled for introduction.

**HB 1009** by Representatives Morris, Upthegrove and Conway

Allowing electronic payment of utility bills.

Requires public entities that provide electric, natural gas, water, or sewer services to retail customers to offer an electronic payment option that its customers may use for payment of bills for service provided through the utility by July 1, 2005.

Requires electronic payment options to be provided without additional fees or costs charged to the customer.

-- 2005 REGULAR SESSION --

Dec 23 Prefiled for introduction.

**HB 1010** by Representative Morris

Concerning energy efficiency and renewable energy standards.

Declares an intent to establish a goal of encouraging the construction and development of renewable energy in the state of Washington to meet increasing demands for affordable and reliable electricity. Since electricity supply may lag behind electricity demand, the result may be a sharp increase in electricity prices.

Finds that it is desirable to shorten the time it takes to bring new electricity generation to market.

Requires each electric utility to develop an integrated resource plan consistent with the provisions of this act. Such a plan shall be updated on a regular basis.

Requires investor-owned utilities to submit integrated resource plans to the commission. The commission shall establish by rule the requirements for preparation and submission of integrated resource plans.

Requires each consumer-owned utility to develop and publish a work schedule for the preparation of an integrated resource plan. The work schedule shall set forth the proposed content of the integrated resource plan, the proposed schedule of preparation, and provisions for public involvement in the preparation and review of the plan.

Directs each consumer-owned utility to transmit a copy of its integrated resource plan to the department by July 31, 2006, and transmit subsequent plans every two years thereafter.

Authorizes consumer-owned utilities to develop integrated resource plans jointly with other consumer-owned utilities. Data and assessments included in joint reports must be identifiable to each individual utility.

Requires the department to review the integrated resource plans of consumer-owned utilities and prepare a report to the legislature assessing the utilities' conformance with this act. The report shall include a statewide summary of utility load forecasts, load/resource balance, and utility plans for the development of thermal generation, renewable resources, and efficiency resources. The commission shall provide the department with data summarizing activities of investor-owned utilities for use in the department's statewide summary.

Requires the department to submit the initial report by December 1, 2006, and subsequent reports every two years thereafter. Where appropriate, the department may include reports required by this act within the biennial report required under RCW 43.21F.045.

-- 2005 REGULAR SESSION --

Dec 23 Prefiled for introduction.

**HB 1011** by Representative Morris

Adopting distributed generation interconnection procedures.

Finds it is in the public interest to adopt this act to simplify the process of interconnecting distributed generation facilities that will be used for net metered customers.

Declares that this act is intended to both identify a class of distributed generators that, because of their selected point of common coupling, can be interconnected with ease and expedition as well as the standards to be used for ordinary interconnections by all utilities subject to commission regulation.

-- 2005 REGULAR SESSION --

Dec 23 Prefiled for introduction.

**HB 1012** by Representative Morris

Regulating computer spyware.

Provides that a person or entity that is not an authorized user shall not, with actual knowledge, with conscious avoidance of actual knowledge, or willfully, cause computer software to be copied onto the computer of a consumer in this state and use the software to do any of the following: (1) Modify, through intentionally deceptive means, any of the following settings related to the computer's access to, or use of, the internet: (a) The page that appears when an authorized user launches an internet browser or similar software program used to access and navigate the internet; (b) the default provider or web proxy the authorized user uses to access or search the internet; and (c) the authorized user's list of bookmarks used to access web pages;

(2) Collect, through intentionally deceptive means, personally identifiable information that meets any of the designated criteria;

(3) Prevent, without the authorization of an authorized user, through intentionally deceptive means, an authorized user's reasonable efforts to block the installation of, or to disable, software by causing software that the authorized user has properly removed or disabled to automatically reinstall or reactivate on the computer without the authorization of an authorized user;

(4) Intentionally misrepresent that software will be uninstalled or disabled by an authorized user's action, with knowledge that the software will not be uninstalled or disabled; and

(5) Through intentionally deceptive means, remove, disable, or render inoperative security, antispyware, or antivirus software installed on the computer.

Declares an intent that this act is a matter of statewide concern. This act supersedes and preempts all rules, regulations, codes, ordinances, and other laws adopted by a city, county, city and county, municipality, or local agency regarding spyware and notices to consumers from computer software providers regarding information collection.

Finds that the practices covered by this act are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this act is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

**-- 2005 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 1013** by Representative Morris

Imposing real estate excise taxes on components of certain electrical generation facilities.

Imposes an additional excise tax upon each sale of real property that is a new gas turbine electrical generation facility or component thereof. The rate of tax imposed under this provision is twenty-five one-hundredths percent of the selling price.

Takes effect January 1, 2006.

**-- 2005 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 1014** by Representatives Darneille and O'Brien

Revising DNA testing provision.

Provides that a person convicted of a felony in a Washington state court who currently is serving a term of imprisonment may submit to the court that entered the

judgment of conviction a verified written motion requesting DNA testing, with a copy of the motion provided to the state office of public defense.

Provides that DNA testing ordered under this act shall be performed by the Washington state patrol crime laboratory. Contact with victims shall be handled through victim/witness divisions.

Provides that, notwithstanding any other provision of law, upon motion of defense counsel or the court's own motion, a sentencing court in a felony case may order the preservation of any biological material that has been secured in connection with a criminal case, or evidence samples sufficient for testing. The court must specify the samples to be maintained and the length of time the samples must be preserved.

**-- 2005 REGULAR SESSION --**

Dec 23 Prefiled for introduction.

**HB 1015** by Representatives Campbell, Morrell, Skinner and Hankins

Requiring reporting of infections acquired in health care facilities.

Directs the department to: (1) Adopt guidelines and rules for the collection, reporting, analysis, and release of information related to hospital-acquired infection rates at hospitals. In adopting these guidelines and rules, the department shall consider the recommendations of the advisory committee established in this act as well as the definitions, methodologies, and practices of the United States centers for disease control related to hospital-acquired infections; and

(2) Publish an annual report that compares the hospital-acquired infection rates at each individual hospital in the state.

Requires each hospital to: (1) Collect information regarding hospital-acquired infection rates for the specific clinical procedures and categories identified by the department; and

(2) Prepare a report every three months and submit the reports to the department. The collection and reporting of information shall be performed in accordance with the guidelines and rules of the department.

Declares that neither the reports submitted by hospitals to the department under this act, nor any of the data contained in them are subject to discovery by subpoena or admissible as evidence in a civil proceeding.

Declares that the reports submitted by hospitals to the department of health under this act and the data contained in them are exempt from disclosure under chapter 42.17 RCW.

Takes effect August 1, 2005.

**-- 2005 REGULAR SESSION --**

Dec 28 Prefiled for introduction.

**HB 1016** by Representatives Campbell and Kirby

Limiting when the presence of a dog may affect the availability of homeowner's insurance.

Provides that an insurer licensed to write liability insurance, such as homeowner's insurance, in this state may not deny an application for a homeowner's insurance policy, or cancel, refuse to renew, or modify an existing homeowner's insurance policy, on the basis that the applicant or insured owns or harbors a specific breed of dog on the real property, unless the dog is a dangerous dog as defined in RCW 16.08.070.

**-- 2005 REGULAR SESSION --**

Dec 28 Prefiled for introduction.

**HB 1017** by Representatives Campbell, Morrell and McCune

Restricting the sale of pseudoephedrine to licensed pharmacists.

Provides that any compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, dispensed, sold, or distributed at retail shall be dispensed, sold, or distributed only by a licensed pharmacist or a practitioner as defined in RCW 18.64.011.

**-- 2005 REGULAR SESSION --**

Dec 28 Prefiled for introduction.

**HB 1018** by Representatives Campbell, Morrell and McCune

Requiring photo identification in the sale and purchase of products containing ephedrine, pseudoephedrine, and phenylpropanolamine.

Provides that a pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee thereof, or a practitioner as defined in RCW 18.64.011, may not knowingly sell, transfer, or otherwise furnish to any person a product that he or she knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, without first obtaining photo identification of the person that shows the date of birth of the person, and having the person sign a written log or receipt showing the date of the transaction, name of the person, and the amount of the product being sold, transferred, or otherwise furnished.

**-- 2005 REGULAR SESSION --**

Dec 28 Prefiled for introduction.

**HB 1019** by Representatives Campbell, Kirby, McCune and Clements

Providing a property tax exemption to veterans with severe disabilities.

Provides a property tax exemption to veterans with severe disabilities.

Applies to taxes levied for collection in 2006 and thereafter.

**-- 2005 REGULAR SESSION --**

Dec 28 Prefiled for introduction.

**HB 1020** by Representative Morris

Regarding electrical transmission.

Provides that, on or after July 1, 2007, for applications to site electrical transmission facilities under RCW 80.50.060(3), the council must approve applications for siting of electrical transmission facilities in corridors designated for this purpose by a county or city under chapter 36.70A RCW where the county or city has: (1) Identified electrical transmission facility corridors as part of its

comprehensive plan under chapter 36.70A RCW and has adopted policies and maps that guide the siting of electrical transmission facilities;

(2) Adopted development regulations under chapter 36.70A RCW that implement the siting of electrical transmission facilities; and

(3) Coordinated its applicable plan and regulations with those jurisdictions that have common borders or related regional electrical transmission facility siting issues.

Declares that the provisions of this act are intended to limit the council's authority to certify the location of electrical transmission facilities but not the regulation, construction, and operational conditions of the electrical transmission facilities.

**-- 2005 REGULAR SESSION --**

Jan 3 Prefiled for introduction.

**HB 1021** by Representative Morris

Providing small wind permitting standards.

Finds that: (1) Wind energy is an abundant, renewable, and nonpolluting energy resource;

(2) When converted to electricity, wind energy reduces dependence on nonrenewable energy resources and reduces air and water pollution that result from conventional sources;

(3) Distributed small wind energy systems also enhance the reliability and power quality of the power grid, reduce peak power demands, increase in-state electricity generation, diversify the state's energy supply portfolio, and make the electricity supply market more competitive by promoting consumer choice; and

(4) Small wind energy systems, designed for on-site home, farm, and small commercial use, are an excellent technology to help achieve the goals of increased in-state electricity generation, reduced demand on the state electric grid, increased consumer energy independence, and nonpolluting electricity generation.

Authorizes a local agency to, by ordinance, provide for the installation of small wind energy systems on parcels of land of at least one acre in its jurisdiction. The local agency may establish a process for the issuance of a conditional use permit for small wind energy systems.

**-- 2005 REGULAR SESSION --**

Jan 3 Prefiled for introduction.

**HB 1022** by Representatives Orcutt, Buck, Kessler and Takko

Providing tax incentives for the construction of tsunami resistant structures.

Finds that coastal communities lack adequate tsunami resistant structures to protect human lives.

Declares an intent to provide incentives to construct tsunami resistant structures.

Declares an intent that these tsunami resistant structures be used for other purposes when not in use for emergency shelter such as training for emergency responders.

**-- 2005 REGULAR SESSION --**

Jan 5 Prefiled for introduction.

**HB 1023** by Representatives Orcutt, Buck, Kessler and Takko

Authorizing an exemption from critical area development regulations for tsunami resistant structures.

Declares that the guidelines established by the department under this act regarding classification of critical areas shall provide for an exemption for tsunami resistant structures built in geologically hazardous areas. For the purposes of this act, "tsunami resistant structure" means a structure that: (1) Meets construction standards adopted by a local government pursuant to guidelines issued by the national oceanic and atmospheric administration under the national tsunami hazard mitigation program as of January 1, 2005;

(2) Is designed for the primary purpose of providing emergency shelter to the residents of the local government in the event of a tsunami;

(3) Is not suitable for long-term residential habitation; and

(4) May be used as a training site for emergency responders.

**-- 2005 REGULAR SESSION --**

Jan 5 Prefiled for introduction.

**HB 1024** by Representatives Kirby and Campbell; by request of Board for Judicial Administration

Changing requirements for issuing salary warrants for judges.

Revises RCW 2.56.040 relating to requirements for issuing salary warrants for judges.

**-- 2005 REGULAR SESSION --**

Jan 5 Prefiled for introduction.

**HB 1025** by Representative Morris

Enhancing integrity of voting systems.

Requires the manufacturer or distributor of a voting system or component of a voting system to provide the secretary of state access to the source code of the voting system or component at the time the system is submitted for an examination and anytime following certification. Following certification of a voting system or component of a voting system, the manufacturer or distributor must notify the secretary of state each time the source code is modified, and provide the secretary of state access to the modified version. The source code is exempt from public disclosure under RCW 42.17.310(1)(h).

Declares that no modification, change, redesign, or improvement may be made to any voting system or component of a system related to vote tallying, casting, counting, and storage, other than hardware replacement, without notification of the secretary of state for reexamination or reapproval by the secretary of state under this act.

Requires that reexamination or reapproval of voting systems under RCW 29A.12.050 must be performed in the following manner: (1) The modification must be reviewed and approved by an appropriate independent testing authority approved by the federal election assistance commission before submission to the secretary of state for approval.

(2) The submission must include: (a) The purpose and effect of the modification; (b) clear and complete

documentation of the change including a description, an affected code, affected systems, and a before and after depiction of the change; (c) a statement from the vendor declaring the completeness of the submission, sworn under penalty of perjury and loss of system certification.

Authorizes the secretary of state to review and test the change before issuing or denying an emergency approval for use only in the subsequent election.

Provides that, after January 1, 2007, no voting device or machine may be used to conduct a primary or general or special election that uses punched holes to record the voter's choices.

Declares that the secretary of state may not certify under Title 29A RCW any voting device or machine for use in conducting a primary or general or special election that uses punched holes to record the voter's choices.

Authorizes the secretary of state to withdraw the certification of any voting system hardware, software, or system component for cause. Before withdrawing a certification the secretary of state shall conduct a public hearing intended to document and allow input from affected system users and vendors before rendering a decision. The secretary of state shall post the report of withdrawal of certification to a publicly available electronic medium and transmit notice of withdrawal of certification under this section to each county auditor within five days after completing the examination.

Requires that, before each state primary or general election logic and accuracy testing of poll site based systems or electronic voting devices must be performed by the county under the observation of the office of the secretary of state during the process of final preparation before system distribution to each poll site.

Requires that, after all tests are performed and the machine is ready for distribution, the machine must be sealed and the seal number recorded. The procedure described in this provision will serve as the official logic and accuracy test of these devices.

Provides that a log must be created during the testing of poll site based ballot counters and electronic voting devices. The log must record the time and place of each test, the precinct number, seal number, and machine number of each ballot counter or voting device, and the initials of each person testing and observing the test for each machine. This log must be included in the official logic and accuracy test materials. The processes described in this act must be open to observation and subject to all notices and observers under rules adopted by the secretary of state.

Requires the secretary of state to empanel a task force of elections and computer security experts to be known as the "Washington Voting Systems Board" to study and determine the potential for election fraud.

Requires that, if a poll site based electronic voting device produces an individual paper record at the time of voting, the device must allow the paper record to be reviewed by the voter before finalizing his or her vote.

Provides that, if a poll site based electronic voting device provides an alternative method for the voter to verify his or her vote, the alternative method must maintain privacy in the act of voting while allowing a voter to verify that his or her votes were cast and recorded as intended, in a technology separate and distinct from the poll site based electronic voting device.

Declares that any paper records produced by poll site based electronic voting devices are subject to all of the requirements of chapter 29A.44 and chapter 29A.60 RCW for ballot handling, preservation, reconciliation, transit to the counting center, and storage. The paper records must be preserved in the same manner and for the same period of time as ballots.

Provides that the electronic record produced and counted by poll site electronic voting devices is the official record of each vote for election purposes. However, any paper records produced under this act must be stored and used as the official record of each vote for election purposes in the following specified circumstances only: (1) In the event of a mandatory manual recount of votes under RCW 29A.64.021;

(2) In the event of a requested recount under RCW 29A.64.011;

(3) By order of the county canvassing board;

(4) By order of the superior court of a county; or

(5) For use in the four percent random audit of results required by this act.

Provides that a voter voting on a poll site based electronic voting system may not leave the device during the voting process except to verify his or her ballot, or to request assistance from the precinct election officers, until the voting process is completed.

Requires ballot counting systems to be secured physically and electronically against unauthorized access. Ballot counting systems must not be connected to, or operated on, any electronic network including internal office networks, the Internet, or the World Wide Web.

Provides that, before the close of business on the day after election day, the county auditor shall conduct an audit of results of votes cast on the poll site based electronic voting devices used in the county. This audit must be conducted by randomly selecting four percent of the poll site based electronic voting devices, and comparing the results recorded by each device with those recorded on either the paper records or alternative voter-verified technology for three randomly selected races or issues on each device. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit.

Declares that anyone who removes a paper record or alternative voter-verified technology produced by a poll site based electronic voting device from a polling place without authorization is guilty of a class C felony punishable under RCW 9A.20.021.

Declares that all voting system and voting device purchases made after July 1, 2005, are subject to the requirements of this act. All existing voting system and voting device approval and certifications for electronic voting systems and devices are in effect until January 1, 2007.

Requires the secretary of state, in consultation with the information services board, to establish procedures for the procurement of certified voting systems through master contracts. County auditors, using funding disbursed through the election account established in the state treasury by section 1, chapter 48, Laws of 2003, for the procurement of voting systems, must consider the use of master contracts approved by the secretary of state.

Declares that nothing in this act prevents the state of Washington, its counties, or its voters from participating in the Secure Electronic Registration and Voting Experiment (SERVE) as authorized by PL 107-107, Title 16, section 1604 and chapter 17, Laws of 2003 1st sp. sess. including system certification, voter registration, and voting.

Repeals 2004 c 267 s 702.

**-- 2005 REGULAR SESSION --**

Jan 5 Prefiled for introduction.

**HB 1026** by Representative Murray; by request of Governor Locke

Making 2003-05 supplemental transportation appropriations.  
Makes 2003-05 supplemental transportation appropriations.

**-- 2005 REGULAR SESSION --**

Jan 6 Prefiled for introduction.

**HB 1027** by Representative Murray; by request of Governor Locke

Making 2005-07 transportation appropriations.  
Makes 2005-07 transportation appropriations.

**-- 2005 REGULAR SESSION --**

Jan 6 Prefiled for introduction.

**HB 1028** by Representatives Conway and Hankins; by request of Governor Locke

Providing for apprenticeship utilization requirements on public works projects.

Provides that, from January 1, 2005, and thereafter, for all public works estimated to cost one million dollars or more, all specifications shall require that no less than fifteen percent of the labor hours be performed by apprentices.

Authorizes awarding agency directors to adjust the requirements of this provision for a specific project for the designated reasons.

Applies only to public works contracts awarded by the state.

Does not apply to contracts awarded by state four-year institutions of higher education, state agencies headed by a separately elected public official, or the department of transportation.

Provides that, at the request of the senate commerce and trade committee, the house of representatives commerce and labor committee, or their successor committees, and the governor, the department of general administration and the department of labor and industries shall compile and summarize the agency data and provide a joint report to both committees. The report shall include recommendations on modifications or improvements to the apprentice utilization program and information on skill shortages in each trade or craft.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**HB 1029** by Representatives Simpson, Rodne, B. Sullivan and Anderson

Regulating ATVs.

Requires the department to adopt standards for and implement a comprehensive all-terrain vehicle safety education and training program. The program must provide for the hands-on training of all-terrain vehicle operators, and for the issuance of all-terrain vehicle safety certificates to operators who successfully complete the training. Course content must be adopted from a curriculum developed by a nationally recognized safety organization, such as the All-Terrain Vehicle Safety Institute.

Provides that the department may authorize persons, clubs, associations, municipalities, or other political subdivisions of the state to conduct classes and issue all-terrain vehicle safety certificates in the director's name. Any authorized person, club, association, municipality, or

political subdivision may charge a reasonable fee, subject to department approval, for the training course.

Requires that, beginning July 1, 2006, to operate an ATV on public land a person must possess a safety certificate issued by the director or by another state or Canadian province. A nonresident who does not possess a safety certificate may operate an ATV on public land for five days in a calendar year.

Declares that all-terrain vehicles with engine capacity of seventy cubic centimeter displacement ("cc") up to and including ninety cc may be operated on public land only by those aged twelve years and older.

Declares that all-terrain vehicles with engine capacity greater than ninety cc may be operated on public land only by those aged sixteen years and older.

Requires persons under age sixteen to be under continuous adult supervision while operating an ATV on public land.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**HB 1030** by Representatives Orcutt, McDonald, Haler, Roach, Bailey and Serben

Increasing the amount of the small business business and occupation tax credit.

Amends RCW 82.04.4451 to increase the amount of the small business business and occupation tax credit.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**HB 1031** by Representatives Conway and Cody; by request of Governor Locke

Providing long-term funding for problem gambling.  
Provides long-term funding for problem gambling.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

---

**House Joint Resolutions**

---

**HJR 4200** by Representative Hinkle

Amending the Constitution to require election of judges at the general election.

Proposes an amendment to the state Constitution to require election of judges at the general election.

**-- 2005 REGULAR SESSION --**

Dec 21 Prefiled for introduction.

---

**House Concurrent Resolutions**

---

**HCR 4400** by Representatives Kessler and Armstrong

Notifying the Governor that the Legislature is organized.  
Notifies the Governor that the Legislature is organized.

**-- 2005 REGULAR SESSION --**

Jan 4 Prefiled for introduction.

**HCR 4401** by Representatives Kessler and Armstrong

Adopting joint rules.  
Adopts joint rules of the Fifty-Ninth Legislature.

**-- 2005 REGULAR SESSION --**

Jan 5 Prefiled for introduction.

**HCR 4402** by Representatives Kessler and Armstrong

Calling three joint sessions of the legislature.  
Provides for three joint sessions of the legislature.

**-- 2005 REGULAR SESSION --**

Jan 5 Prefiled for introduction.

**HCR 4403** by Representatives Kessler and Armstrong

Remembering former legislators.  
Resolves that in recognition of the valued services rendered to the State by these eminent citizens, the Senate and the House of Representatives shall meet in Joint Session and that an appropriate service be held in the House Chambers on Thursday, February 17, 2005, at 1:00 p.m., that their bereaved families be invited to attend the memorial service, and that an opportunity be given for tribute to their memories.

**-- 2005 REGULAR SESSION --**

Jan 5 Prefiled for introduction.

---

**Senate Bills**

---

**SB 5000** by Senators Honeyford and Schoesler

Removing a fixed schedule of license plate replacement.  
Revises RCW 46.16.233 to delete the requirement for periodic replacement of license plates.

Revises RCW 46.16.233 to delete the option for vehicle owners to retain their current license plate number.

**-- 2005 REGULAR SESSION --**

Dec 7 Prefiled for introduction.

**SB 5001** by Senator Honeyford

Authorizing promise scholarships to be used at Oregon institutions of higher education participating in the border county higher education opportunity project.

Authorizes the use of the scholarships if the student resides with a parent or guardian in Washington state intending to commute from the parent's or guardian's residence, the commute distance to a Washington institution of higher education exceeds the distance to a participating Oregon border county institution of higher education, and the commute distance to a Washington institution of higher education is so far as to render commuting impractical.

**-- 2005 REGULAR SESSION --**

Dec 7 Prefiled for introduction.

**SB 5002** by Senators Regala, Swecker, Hargrove, Brandland and Doumit

Marketing, offering, or selling camping resort contracts.

Revises RCW 19.105.310 and RCW 19.105.325 relating to the marketing, offering, or selling of camping resort contracts.

**-- 2005 REGULAR SESSION --**

Dec 13 Prefiled for introduction.

**SB 5003** by Senators Hargrove, Stevens and Haugen

Revising DNA testing provision.

Provides that a person convicted of a felony in a Washington state court who currently is serving a term of imprisonment may submit to the court that entered the judgment of conviction a verified written motion requesting DNA testing, with a copy of the motion provided to the state office of public defense.

Provides that DNA testing ordered under this act shall be performed by the Washington state patrol crime laboratory. Contact with victims shall be handled through victim/witness divisions.

Provides that, notwithstanding any other provision of law, upon motion of defense counsel or the court's own motion, a sentencing court in a felony case may order the preservation of any biological material that has been secured in connection with a criminal case, or evidence samples sufficient for testing. The court must specify the samples to be maintained and the length of time the samples must be preserved.

**-- 2005 REGULAR SESSION --**

Dec 13 Prefiled for introduction.

**SB 5004** by Senator Rasmussen; by request of Department of Agriculture

Regulating commercial feed.

Revises provisions relating to the regulation of commercial feed.

Repeals RCW 15.53.9053.

**-- 2005 REGULAR SESSION --**

Dec 27 Prefiled for introduction.

**SB 5005** by Senator Jacobsen

Supporting nature-based tourism.

Finds that there is general agreement among the hospitality industry, tourism interests, local governments, and watchable wildlife organizations that owners of working farms, woodlands, and rural open space lands provide a significant portion of the key areas for the wildlife which in turn attract the nature-based tourists.

Declares that, while tourism promotion interests seek to provide incentives to these landowners to maintain these key areas in a manner that benefits wildlife, and to assist them in managing the tourists that seek to appreciate this wildlife, there is a need to ensure flexibility in existing tourism promotion programs to provide this assistance.

Declares that it is the purpose of this act to clarify that the existing program for distribution of lodging tax revenues to promote tourism and to acquire, develop, and operate tourist facilities may include assistance to private landowners for this purpose, consistent with existing local strategies and priorities for tourism promotion.

**-- 2005 REGULAR SESSION --**

Dec 27 Prefiled for introduction.

**SB 5006** by Senator Jacobsen

Concerning the sale of aquaculture products produced on leased state-owned aquatic land.

Declares that aquaculture products produced on leased state-owned aquatic land may be sold by the leaseholder as prescribed by the department without competitive bid or public auction and consistent with statutes governing aquaculture leases on state-owned aquatic land.

**-- 2005 REGULAR SESSION --**

Dec 27 Prefiled for introduction.

**SB 5007** by Senator Jacobsen

Concerning the relocation of harbor lines.

Revises RCW 79.92.030 concerning the relocation of harbor lines.

**-- 2005 REGULAR SESSION --**

Dec 27 Prefiled for introduction.

**SB 5008** by Senators Pflug, Rasmussen and Honeyford

Updating state law to conform to changes in the federal estate tax.

Revises state law to conform to changes in the federal estate tax.

**-- 2005 REGULAR SESSION --**

Dec 27 Prefiled for introduction.

**SB 5009** by Senators Rasmussen and Schoesler; by request of Conservation Commission

Changing conservation assistance revolving account provisions.

Amends RCW 89.08.550 relating to the conservation assistance revolving account.

**-- 2005 REGULAR SESSION --**

Jan 3 Prefiled for introduction.

**SB 5010** by Senators Rasmussen and Schoesler; by request of Conservation Commission

Funding conservation districts.

Amends RCW 89.08.410 relating to funding conservation districts.

**-- 2005 REGULAR SESSION --**

Jan 3 Prefiled for introduction.

**SB 5011** by Senator Haugen; by request of Governor Locke

Making 2005-07 transportation appropriations.

Makes 2005-07 transportation appropriations.

**-- 2005 REGULAR SESSION --**

Jan 6 Prefiled for introduction.

**SB 5012** by Senator Haugen; by request of Governor Locke

Making 2003-05 supplemental transportation appropriations.

Makes 2003-05 supplemental transportation appropriations.

**-- 2005 REGULAR SESSION --**

Jan 6 Prefiled for introduction.

**SB 5013** by Senator Honeyford

Authorizing RV logos on highway sign panels.

Declares that the "RV" logo for businesses or destinations that accommodate recreational vehicles shall be placed in the lower right corner of the gas, food, lodging, camping, or tourist activity sign and shall be in the form of a small yellow circle with the letters "RV" in black.

Provides that the department of transportation shall not include the logo "RV" under RCW 47.36.310 and 47.36.320 unless the department determines that the gas, food, or lodging business or the camping or tourist activity destination provides parking spaces, overhang clearances, and entrances and exits designed to accommodate recreational or other large vehicles.

Authorizes the department to charge a reasonable fee in accordance with RCW 47.36.310 or 47.36.320 to defray the costs associated with the installation and maintenance of signs with "RV" logos.

Authorizes the department to adopt rules necessary to administer this act.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5014** by Senators Fraser and Swecker

Modifying county treasurer administrative provisions.

Revises county treasurer administrative provisions.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5015** by Senator Jacobsen

Creating a nonpartisan judicial commission.

Provides for a nonpartisan judicial commission.

Provides that this act takes effect if the proposed amendment to Article IV, section 3 of the state Constitution requiring the governor to fill vacancies in the supreme court in accordance with statute is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not approved and ratified, this act is void in its entirety.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5016** by Senator Jacobsen

Creating the wildlife conservationist award program.

Declares that the purpose of the program is to recognize individuals who have made outstanding contributions toward conserving Washington's diverse plant and animal populations.

Provides that the program consists of two annual awards as follows: (1) The Art Kruckeberg award shall be presented to an individual making outstanding contributions toward conserving the state's plants and plant communities; and

(2) The Hazel Wolf award shall be presented to an individual making outstanding contributions toward conserving the state's animals and animal communities.

Provides that the recipient of each award is entitled to select a nonprofit wildlife conservation organization to receive a sum of up to twenty-five thousand dollars from the state.

Requires the department to develop guidelines for selecting award recipients and incorporate into the program elements that provide for public recognition of the contributions made by the recipients. The department may create an advisory committee to assist the department in developing the guidelines and in selecting recipients.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5017** by Senator Jacobsen

Requiring that certain moneys from the sale of logs or wood from aquatic lands be used to fund the Thomas Burke Memorial Museum.

Requires the department to identify moneys deposited to the account that are derived from sales of logs or other wood material from state-owned aquatic lands in which the sales were conducted for the principal purpose of deriving revenue from the sale.

Directs the treasurer to, not less than biennially, transfer moneys in the account identified under this act to the board of regents of the University of Washington, to be used exclusively for the operation of the Thomas Burke Memorial Museum.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5018** by Senator Jacobsen

Providing for a review and update of the best practices audit of compensation and employment for part-time faculty in technical and community colleges.

Provides for a review and update of the best practices audit of compensation and employment for part-time faculty in technical and community colleges.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5019** by Senator Jacobsen

Enacting the student athletes' bill of rights.

Provides that an institution of higher education may not agree to, or be subject to, the rules or policies of any organization, association, or any other type of entity, nor make a contract with any party, that dictates the terms, value, and conditions of student athlete scholarships relating to any of the following: (1) The terms or duration of a scholarship or stipend the value of which is below the actual cost of attendance at that institution;

(2) The amount earned from bona fide employment not associated with their sport;

(3) Health insurance;

(4) The ability to obtain licensed representation in making career choices;

(5) The ability to transfer to another institution of higher education if a head coach leaves the school of attendance or anticipated attendance.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5020** by Senator Jacobsen

Authorizing leaves of absence for full-time certificated and classified employees serving as peace corps volunteers.

Requires school district boards of directors to grant leaves of absence without pay for at least two years to any full-time certificated or classified employee who serves as a volunteer in the peace corps who volunteers for the peace corps at the time the person is a full-time employee. Upon expiration of the leave, the certificated or classified employee shall have the right to be reinstated to the position held before the leave was granted at the salary rate prevailing for that position when the employee resumes duty, without loss of seniority or sick leave.

Does not apply to employees who fail to report back to their districts within ninety days after termination of service with the peace corps.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5021** by Senator Jacobsen

Establishing the Hispanic American endowed scholarship program.

Declares that creating an endowed scholarship program to help Hispanic American students obtain a higher education will help to rectify past discrimination by providing a means and an incentive for Hispanic American students to pursue a higher education. The state will benefit from contributions made by Hispanic Americans who participate in a program of higher education.

Requires the board to establish an advisory committee to assist in program design and to develop criteria for the screening and selection of scholarship recipients.

Authorizes the board to request that the treasurer deposit fifty thousand dollars of state matching funds and any earned interest into the Hispanic American scholarship endowment fund when the board can match the state funds with an equal amount of private cash donations. Private cash donations means moneys from nonstate sources that include, but are not limited to, federal moneys, and assessments by commodity commissions authorized to conduct research activities, including but not limited to research studies authorized under RCW 15.66.030 and 15.65.040.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5022** by Senator Jacobsen

Providing for a two-year term of office for student members of governing boards of institutions of higher education.

Provides for a two-year term of office for student members of governing boards of institutions of higher education.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5023** by Senator Jacobsen

Requiring headlights when wipers are used.

Requires headlights when wipers are used.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5024** by Senator Jacobsen

Providing tax incentives to encourage telework.

Authorizes tax incentives to encourage telework.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5025** by Senator Jacobsen

Funding a community swim facility.

Finds that the development of a combined intercollegiate and community swim facility at the University of Washington will provide a significant benefit to the state.

Declares an intent to support a swim facility with the capacity to accommodate intercollegiate swim and dive competitions, including spring board and platform diving. The facility shall also support university intramural and recreational activities by students, faculty, and staff. Community use shall also be accommodated and scheduled for local competitive swim teams, swim lessons, swim camps, and high school competitions.

Appropriates the sum of ten million dollars, or as much thereof as may be necessary, for the biennium ending June 30, 2007, from the state building construction account to the University of Washington as matching funds for the construction of a collegiate and community swim facility. The amount provided in this act shall be matched by an

equal amount from combined donations of institutional, student, and private donations.

-- 2005 REGULAR SESSION --

Jan 7 Prefiled for introduction.

**SB 5026** by Senators Regala, Honeyford, Fraser and Parlette

Modifying tax abatement provisions.

Modifies tax abatement provisions.

Amends RCW 84.70.010 relating to tax abatements for property damaged or destroyed by natural disasters.

-- 2005 REGULAR SESSION --

Jan 7 Prefiled for introduction.

**SB 5027** by Senator Jacobsen

Improving real estate excise tax procedures for taxation of water rights transfers.

Declares an intent to improve the real estate excise tax reporting and collection process for the transfer of water rights that are transferred separately from the land.

Declares an intent to improve reporting by requiring the department of ecology and water conservancy boards to provide the department of revenue with information about these transfers and to allow the reporting and payment of any real estate excise tax for these transfers to be made directly to the department of revenue, thereby relieving the counties of responsibility for collection of such tax payments and reports.

Requires that, for the sale of a water right that is transferred separately from the land and tax is due under chapter 82.45 RCW, the sale shall be reported to the department within five days from the date of the sale on such returns and according to such procedures as the department may prescribe. The transferor and the transferee must sign such returns. Payment of the tax due must accompany the return. Any person who intentionally makes a false statement on any return required to be filed with the department under this chapter is guilty of perjury.

-- 2005 REGULAR SESSION --

Jan 7 Prefiled for introduction.

**SB 5028** by Senator Jacobsen

Authorizing an inflationary adjustment for property tax levies.

Authorizes an inflationary adjustment for property tax levies.

Repeals RCW 84.55.0101.

-- 2005 REGULAR SESSION --

Jan 7 Prefiled for introduction.

**SB 5029** by Senator Jacobsen

Requiring safe drinking water in schools.

Finds that although water delivered from the community's public water system must meet federal and state standards for lead and other contaminants, a school building may still have unacceptable drinking water contamination levels due to pipes, plumbing materials, and water use patterns within the school facility.

Finds that the best way to ensure that drinking water is safe in a particular school building is to test drinking and cooking water outlets such as taps, bubblers, and fountains, and to promptly correct problems where contaminant concentrations are found to exceed safe levels.

Requires the board to adopt, by rule, drinking water quality standards for lead, copper, cadmium, and corrosion within school facilities.

Authorizes the board to adopt, by rule, school drinking water quality standards for other contaminants if the board determines that: (1) The presence of such contaminants is not due to insufficient implementation of public water system standards or corrosion treatment protocols; and

(2) Setting school drinking water standards for such contaminants is necessary to protect public health and safety.

Requires the department to examine compliance with adopted standards and rules and provide a report to the appropriate committees of the legislature biennially, beginning December 1, 2007. In the report due December 1, 2011, the department shall report on the status of testing, disclosure of test results, and corrective actions taken at school facilities across the state.

Requires this report to include any recommendations, in bill form, for legislation that would improve compliance with, or facilitate the enforcement or achievement of, school safe drinking water standards established under this act, including any needed compliance enforcement authority to be added to this act.

Does not apply to schools that are regulated as nontransient noncommunity systems under chapter 246-290 WAC.

-- 2005 REGULAR SESSION --

Jan 7 Prefiled for introduction.

**SB 5030** by Senator Jacobsen

Creating the toxic exposure reporting and tracking review panel.

Finds that there is a well-established link between toxic chemical exposure, human health, and environmental impacts. The widespread use of chemicals in our society has resulted in an increased demand for full-scale health investigations, assessment of resource damages, and health effects information. Increased reporting, comprehensive unbiased investigation capability, and enhanced community education efforts are required to maintain this state's responsibilities to provide for public health and safety.

Declares an intent that the various state agencies responsible for chemical use and regulation coordinate their activities in a timely manner to ensure adequate monitoring of chemical use and protection of workers, adults, and children from the effects of toxic chemical exposure.

Designates the duties and responsibilities of the panel.

-- 2005 REGULAR SESSION --

Jan 7 Prefiled for introduction.

**SB 5031** by Senators Haugen, Jacobsen, Kastama and Swecker

Regulating ATVs.

Requires the department to adopt standards for and implement a comprehensive all-terrain vehicle safety education and training program. The program must provide for the hands-on training of all-terrain vehicle operators, and for the issuance of all-terrain vehicle safety certificates to

operators who successfully complete the training. Course content must be adopted from a curriculum developed by a nationally recognized safety organization, such as the All-Terrain Vehicle Safety Institute.

Provides that the department may authorize persons, clubs, associations, municipalities, or other political subdivisions of the state to conduct classes and issue all-terrain vehicle safety certificates in the director's name. Any authorized person, club, association, municipality, or political subdivision may charge a reasonable fee, subject to department approval, for the training course.

Requires that, beginning July 1, 2006, to operate an ATV on public land a person must possess a safety certificate issued by the director or by another state or Canadian province. A nonresident who does not possess a safety certificate may operate an ATV on public land for five days in a calendar year.

Declares that all-terrain vehicles with engine capacity of seventy cubic centimeter displacement ("cc") up to and including ninety cc may be operated on public land only by those aged twelve years and older.

Declares that all-terrain vehicles with engine capacity greater than ninety cc may be operated on public land only by those aged sixteen years and older.

Requires persons under age sixteen to be under continuous adult supervision while operating an ATV on public land.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5032** by Senators Fairley, Swecker, Regala and Fraser

Requiring a six-year review of property tax exemptions.

Directs the joint legislative audit and review committee to review the tax preferences in Title 84 RCW beginning in 2006 and every six years thereafter. The review shall be completed and a report prepared by June 30th of the year a review is required. The review shall not include an evaluation of any tax preference in chapter 84.36 RCW that has been in effect less than two years.

Requires the department of revenue to provide the committee with property tax data necessary to conduct the review. Upon completion of the review, the committee shall transmit the report to the appropriate committees of the legislature.

Repeals RCW 43.136.010, 43.136.020, 43.136.030, 43.136.040, 43.136.050, and 43.136.070.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5033** by Senator Kastama; by request of the Public Disclosure Commission

Regarding penalties for violations of the public disclosure act.

Declares an intent to increase the authority of the public disclosure commission to more effectively foster compliance with our state's requirements regarding campaign finance and contribution limits, lobbying, political advertising, and reporting of public officials' financial affairs.

Intends to make the agency's penalty authority for violations of the campaign, lobbying, political advertising, and public officials' financial affairs provisions in RCW 42.17.010 through 42.17.245 and 42.17.350 through 42.17.790 more consistent with other agencies that enforce

state ethics laws and more commensurate with the level of political spending in the state of Washington.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5034** by Senator Kastama; by request of the Public Disclosure Commission

Making restrictions on campaign funding.

Finds that: (1) Timely disclosure to voters of the identity and sources of funding for electioneering communications is vitally important to the integrity of state, local, and judicial elections.

(2) Electioneering communications that identify political candidates for state, local, or judicial office and that are distributed sixty days before an election for those offices are intended to influence voters and the outcome of those elections.

(3) The state has a compelling interest in providing voters information about electioneering communications in political campaigns concerning candidates for state, local, or judicial office so that voters can be fully informed as to the: (a) Source of support or opposition to those candidates; and (b) identity of persons attempting to influence the outcome of state, local, and judicial candidate elections.

(4) Nondisclosure of financial information about advertising that masquerades as relating only to issues and not to candidate campaigns fosters corruption or the appearance of corruption. These consequences can be substantially avoided by full disclosure of the identity and funding of those persons paying for such advertising.

(5) The United States supreme court held in *McConnell et al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d 491 (2003) that speakers seeking to influence elections do not possess an inviolable free speech right to engage in electioneering communications regarding elections, including when issue advocacy is the functional equivalent of express advocacy. Therefore, such election campaign communications can be regulated and the source of funding disclosed.

(6) The state also has a sufficiently compelling interest in preventing corruption in political campaigns to justify and restore contribution limits and restrictions on the use of soft money in RCW 42.17.640. Those interests include restoring restrictions on the use of such funds for electioneering communications, as well as the laws preventing circumvention of those limits and restrictions.

Declares an intent to: (1) Improve the disclosure to voters of information concerning persons and entities seeking to influence state, local, and judicial campaigns through reasonable and effective mechanisms, including improving disclosure of the source, identity, and funding of electioneering communications concerning state, local, and judicial candidate campaigns;

(2) Regulate electioneering communications that mention state, local, and judicial candidates and that are broadcast, mailed, erected, distributed, or otherwise published right before the election so that the public knows who is paying for such communications;

(3) Reenact and amend the contribution limits in RCW 42.17.640 (6) and (14) and the restrictions on the use of soft money, including as applied to electioneering communications, as those limits and restrictions were in effect following the passage of chapter 2, Laws of 1993 (Initiative No. 134) and before the state supreme court decision in *Washington State Republican Party v. Washington State Public Disclosure Commission*, 141 Wn.2d 245, 4 P.3d 808 (2000). The commission is

authorized to fully restore the implementation of the limits and restrictions of RCW 42.17.640 (6) and (14) in light of *McCormell et al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d 491 (2003). The United States supreme court upheld the disclosure and regulation of electioneering communications in political campaigns, including but not limited to issue advocacy that is the functional equivalent of express advocacy;

(4) Authorize the commission to adopt rules to implement this act.

Repeals RCW 42.17.505.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5035** by Senators Thibaudeau, Brandland and Franklin

Eliminating the state forensic pathology fellowship program.  
Repeals RCW 28B.20.426.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5036** by Senators Fraser, Zarelli and Regala; by request of Public Works Board

Authorizing projects recommended by the public works board.

Authorizes projects recommended by the public works board.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5037** by Senator Prentice; by request of Governor Locke

Providing long-term funding for problem gambling.  
Provides long-term funding for problem gambling.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SB 5038** by Senator Honeyford

Increasing penalties for failure to yield to emergency vehicles or police vehicles.

Declares that a person is guilty of failure to yield the right of way in the first degree if he or she negligently obstructs or impedes the passage of any authorized emergency vehicle making use of audible and visual signals meeting the requirements of RCW 46.37.190, or of a police vehicle properly and lawfully making use of an audible signal.

Provides that failure to yield the right of way in the first degree is a gross misdemeanor.

Provides that the driver of any motor vehicle, upon approaching a stationary authorized emergency vehicle that is making use of audible and/or visual signals meeting the requirements of RCW 46.37.190 or of a police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights, shall: (1) On a highway having at least four lanes, at least two of which are intended for traffic proceeding in the same direction as the approaching vehicle, proceed with caution and, if

reasonable, with due regard for safety and traffic conditions, yield the right of way by making a lane change into a lane not adjacent to that occupied by the stationary authorized emergency vehicle or police vehicle; or

(2) If changing lanes would be unreasonable or unsafe, proceed with due caution, reduce the speed of the vehicle, maintaining a safe speed for highway conditions.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

---

**Senate Joint Resolutions**

---

**SJR 8200** by Senator Jacobsen

Requiring that supreme court vacancies be filled according to statute.

Proposes an amendment to the state Constitution requiring that supreme court vacancies be filled according to statute.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.

**SJR 8201** by Senator Jacobsen

Amending the Constitution to remove initiatives and referenda powers.

Proposes an amendment to the state Constitution to remove initiatives and referenda powers.

**-- 2005 REGULAR SESSION --**

Jan 7 Prefiled for introduction.